

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
WILLIAM AUBREY PELZER, JR.,

Petitioner,

MEMORANDUM & ORDER  
10-CV-3468 (JS)

-against-

PEGGY HEALY AND CHARLES E. WARD,

Respondents.

-----X

APPEARANCES:

For Plaintiff: William Aubrey Pelzer, Jr.  
#03-A-3518, NYSID 6698928-P  
Mid-Hudson Forensic Psychiatric Center  
P.O. Box 158, Rt. 17m  
New Hampton, NY 10958

For Defendants: No appearances

SEYBERT, District Judge:

William Aubrey Pelzer, Jr.<sup>1</sup>, pro se and a resident of the Mid-Hudson Forensic Psychiatric Center, petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2254. Mr. Pelzer's Petition is DISMISSED WITHOUT PREJUDICE, because of two key pleading defects.

---

<sup>1</sup> Mr. Pelzer's habeas papers also identify him as "'Without Prejudice' UCC 1-207." It is unclear whether Mr. Pelzer considers this part of his name or his legal pleading. Mr. Pelzer also includes the © after his name, and, on one occasion, the phrase "DEBTOR, Ens legis." The Court's legal Latin is rusty. But Black's Law Dictionary defines an "Ens legis" as "A creature of the law; an artificial being," such as a corporation.

First, Mr. Pelzer does not identify when he was convicted, or when this conviction became final. Thus, the Court cannot assess whether Mr. Pelzer's Petition is timely.

Second, Mr. Pelzer does not indicate whether he has sought any relief in state court for the alleged Constitutional violations he suffered. 28 U.S.C. § 2254(b)(1)(A). Nor does Mr. Pelzer plead any facts that would let the Court assess whether "there is an absence of available State corrective process" or "circumstances exist that render such process ineffective." 28 U.S.C. § 2254(b)(1)(B). And without such information, the Court cannot award any relief.

Thus, in compliance with Rule 4 of the Rules Governing § 2254 Cases, and FED. R. CIV. P. 8, the Court hereby dismisses Mr. Pelzer's Petition without prejudice.

SO ORDERED

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
August 3, 2010